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Planning Commission Meeting
December 11, 2003
7:00 p.m.

Members in attendance were as follows: Frank Wilson, Rick Fisher, Willis Wells, Larry Gardner, Larry Felts, Bob Haines, Rob Pease, and Charles Knapper. Staff present: Richard Woodroof, Dana and Dave Ausbrooks, Bob Notestine and Bill Terry.

Agenda Item I- Meeting called to order by Chairman Frank Wilson.

Agenda Item II- Pledge of Allegiance

Agenda Item III- Approval of Minutes: Willis Wells noted that on page 2 in the last sentence do should have been spelled due.

Motion made by Willis Wells to approve amended minutes, second by Larry Gardner. Passed unanimously.

Agenda Item IV- Citizens Comments-

Mr. Wilbert Smith of 7186 Nolensville Road spoke about what he considered an agreement with the doctors of the Nolensville Family Care Center pertaining to the rezoning and development of the lots adjacent to his property. He submitted a copy of his speech and a copy of a letter that had been sent to the doctors with his stipulations for agreeing with the rezoning of the property. He asked the commission to consider these things when voting on the proposed development.

Agenda Item V- New Business –

(a) Review Land use and Zoning in the Annexed areas and Urban Growth Boundary- Mayor Knapper discussed the need to zone the annexed area prior to the date at which the annexation becomes active. He stated that the current County zoning in the area is Suburban and the closest zoning in the Town is Suburban Residential. He recommended the annexed area be zoned Suburban Residential. Rob Pease had questions about the outer areas being zoned a less dense Estate Residential. He said that would meet what had been stated as a concept of more density in the middle of the Town and progressively less density as you move out from the center of Town. Willis Wells stated that during the annexation process the Town had said the areas would be zoned most like what they currently are zoned.

Motion made by Charles Knapper, to zone all the annexed area as Suburban Residential second by Larry Felts. Passed Seven (7) for Zero (0) against and One (1) abstaining- Rob Pease.

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Agenda Item VI- Old Business-

Monthly Bond Report- Rich Woodroof handed out copies of the extensions of the letters of credit for McFarlin Woods Sections 3 and 4 that will become due on June 12, 2004 and Stonebrook Section 13C that will become due on December 28, 2004. The next bonds that will come due are the McFarlin Woods Sections 3 and 4 in June of 2004.

Agenda Item VII- Other Business-

Proposed amendments to the Zoning Ordinance were brought to the attention of the Planning Commission to help bring the Ordinance up to date with the expected development that is coming to the Town. These proposed amendments would have to go before the Board of Mayor and Aldermen before they are enacted. Bill Terry had reviewed the existing ordinance and found these issues that need to be addressed at this time:

In section 2.1.0 it states that there are nine zoning districts and two overlay districts currently in the town. Section 2.1.11 Planned Unit Development should be changed from a district to an overlay and a section 2.1.12 should be added for a Floodplain Overlay. Approved unanimously by acclamation.

In Estate Residential a permitted use is Intensive Agriculture. Which would allow slaughterhouses, feedlots, structures holding over 500 animals, etc. Motion made by Larry Felts to remove Intensive Agriculture from a permitted use in the Estate Residential Zoning, seconded by Willis Wells. Passed Unanimously

Each district as presented should have a section entitle "Uses Prohibited". It should read like this: Uses Prohibited- Any use or structure not specifically permitted by right or by conditional use (special exception) is prohibited. It should be inserted immediately after the "Permitted with Conditions". Approved unanimously by acclamation.

Add a sub-section to the section on the BZA under 1.9.5 as follows:

D. Conditional Use(s) – To hear and act upon applications for conditional uses subject to the standards and conditions as set forth in Section 2.3.0.

This will allow the BZA to review and rule on "Conditional Uses" or "Permitted Uses" and takes this responsibility from the Planning Commission.

Have to change in 2.3.0 to say- Subject to Board of Zoning Appeals approval and remove in the second sentence "Use Table Above" at the end of the sentence.

Change from Permitted Use(s) to Conditional Use(s) in all the zoning sections.

Motion made by Rob Pease to make these changes to the Zoning Ordinance to allow the BZA to rule on Conditional Use(s), second by Rick Fisher. Passed Unanimously

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Change in Suburban Residential with Overlay District Bulk Regulations the Minimum Lot Area (in square feet) from 4,000 to 5,000.

Motion by Rob Pease to change minimum lot area in SR with Overlay District from 4,000 to 5,000 square feet, second by Willis Wells. Passed Unanimously

Need to add a definition of Townhouse. It is now allowed in the UR as shown in the bulk regulations and in the V and VF zones as permitted uses.

Motion made by Rob Pease to add the definition of a Townhouse to be a building containing two (2) dwelling units but no more than six (6) dwelling units attached at the side or sides. At points of attachment, such dwelling units shall be separated by firewalls extending from the ground to the roof without openings. The term townhouse is intended to apply to attached dwellings, patio homes or atrium homes, or any form however termed that conforms to this definition, second by Larry Felts. Passed Unanimously

In the bulk regulations for Village Zone, there is no Maximum Gross Density.

Motion made by Larry Gardner to set the maximum gross density in the Village Zone to 6 units per acre, second by Rick Fisher. Passed Unanimously

In the bulk regulations for Village Fringe Zone, the Min. Lot Size is 2,500 square feet.

Townhouses are permitted uses in Village Fringe Zone.

Motion made by Rob Pease to change the Minimum Lot Size in the Village Fringe Zone from 2,500 to 25,000 square feet and to remove townhouses from the permitted uses, second by Rick Fisher. Passed Unanimously

In the bulk regulations for Commercial Service Zone, the Min. Lot Area in square feet is 2,500.

Motion made by Larry Felts to change the Min. Lot Area in Commercial Service Zone to 25,000 square feet, second Larry Gardner. Passed Unanimously

There is a density calculation statement in the Specific standards and criteria for Planned Residential Developments on sheet 61 of the current Zoning Ordinance. Bill Terry recommended that this section pertaining to density calculations be omitted.

Motion made by Rob Pease to adopt the Recommended Procedures for PUD's as submitted by Bill Terry and add a provision of a minimum of 40% open space be set aside in a PUD under design and preservation common open space, second by Larry Felts. Passed Unanimously

There are several areas in Article 5 Floodplain Regulations where the terms floodplain, floodway and floodway fringe have been used interchangeably to describe what is allowed in the floodplain area. These will need to be reviewed and a clear concept agreed upon for the floodplain area prior to most changes in this Article. A workshop on these issues will be scheduled in the near future.

Motion made by Charles Knapper to remove in section O of Article 5 the three provisions for allowing alterations to the floodway and adding a sentence stating- No alterations of the floodway will be allowed. Second by Larry Felts. Passed Unanimously

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Rob Pease wanted to make sure that these prior recommendations in the OSD regulations are in the Zoning Ordinance- Lots less than 50' wide would have to be served by alleys, the front loading garages be setback 12' from the front of the house, there should be a 20' setback in OSD not a 15', on the density bonus chart the minimum in the district column should be removed.

Motion made by Rob Pease to state the preparation of a PUD plan shall require both a civil engineer and a landscape architect stamp. This requirement is for the PUD and OSD and shall be added to the general standards of each. Seconded by Rick Fisher. Passed Unanimously

Motion made by Rob Pease to change the minimum open space requirement in a PUD to be 30%, second by Rick Fisher. Passed Unanimously

In the definition for Accessory Apartment there are conditions. These conditions need to be omitted from the definition.

Motion made by Charles Knapper to remove the conditions from the definition of Accessory Apartment, second by Larry Felts. Passed Unanimously

Need to look at the size of accessory buildings allowed in each zone in the workshop.

Motion by Charles Knapper to allow the counselors to draft the proper wording for the insertion of the zoning map and appendices into the Zoning Ordinance, second by Larry Gardner. Passed Unanimously

Agenda Item VIII- Adjournment- Frank Wilson adjourned the meeting at 10:20 p.m.